

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

ORLY GENDER

Debtor.

**Case No. 19-13895-JLG**

**DECLARATION OF ORLY GENDER**

ORLY GENDER, pursuant to 28 U.S.C. § 1746(2), declares as follows:

1. I respectfully submit this declaration in support of the common interest privilege and joint defense privilege shared by and among myself, my father, Arie Genger, my husband, Eric Herschmann, his employer, Kasowitz Benson Torres LLP, David Broser, his father, Arnold Broser, and our respective affiliated entities, as applicable, and legal counsel (collectively, the “Common Interest Parties”).

2. I am the debtor. My father has obtained substantial litigation funding from ADBG relating to Genger family litigation matters pursuant to a 2008 loan agreement between Arie Genger and ADBG, as amended.

3. Pursuant to that certain Genger Litigation Trust Agreement dated June 28, 2012 (the “Genger Litigation Trust Agreement”), Arie Genger and I, as grantors, established a trust known as the Genger Litigation Trust. David Broser is one of two trustees of the Genger Litigation Trust. Pursuant to the Genger Litigation Trust Agreement, Arie and I transferred and assigned to the trustees of the Genger Litigation Trust, certain property identified on Schedule A thereto, which included the proceeds of a variety of present and future lawsuits, “to hold in trust for the benefit of ADBG, LLC.” Such amounts were to be used to repay ADBG’s obligations under the loan agreement described above.

4. I am also a signatory to a June 16, 2013 Settlement Agreement, by and between the “AG Group” and the “Trump Group,” as those terms are defined in that agreement (the “Trump Group Settlement Agreement”). Pursuant to the Trump Group Settlement Agreement, the “AG Group” included me (in my individual capacity and in my capacity as beneficiary of the Orly Genger 1993 Trust), my father, David Broser, and Arnold Broser, along with all entities managed, owned or controlled in any way by Arnold Broser or David Broser and which were in any way related to the subject matter thereof. Michael Bowen, a member of the Kasowitz firm, is the current escrow agent with respect to two \$7.5 million notes issued pursuant to the Trump Group Settlement Agreement. Prior to my bankruptcy filing, Kasowitz also represented me and has acted on behalf of the AG Group (as defined in the Trump Group Settlement Agreement) with respect to certain matters. William Wachtell of the Wachtell Missry law firm negotiated the Trump Group Settlement Agreement on behalf of the AG Group.

5. Sagi Genger, Dalia Genger and certain of their related entities have filed numerous claims against me and/or other members of the Common Interest Parties. These actions

include, among others, *Dalia Genger v. Sagi Genger*, No. 17-cv-8181 (S.D.N.Y.); *Manhattan Safety Maine, Inc. v. Bowen, et al.*, No. 19-cv-5642 (S.D.N.Y.); *Dalia Genger v. Orly Genger, et al.*, Adv. Pro. No. 20-01010 (JLG) (Bankr. S.D.N.Y.); and *In the Matter of the Petition of Dalia Genger, as Trustee of the Orly Genger 1993 Trust Agreement dated December 13, 1993 between Arie Genger, as Grantor, and Lawrence M. Small and Sash A. Spencer, as Trustees, to Turnover Property to the Orly Genger 1993 Trust*, Adv. Pro. No. 20-01188 (JLG) (Bankr. S.D.N.Y.). Certain of the other Common Interest Parties are co-defendants in certain of these lawsuits, as applicable. Moreover, Sagi Genger's Amended Motion to Dismiss this chapter 7 case and many related filings by Sagi and Dalia Genger assert false accusations against many of the Common Interest Parties.

6. My counsel and/or I have communicated with and among certain of the Common Interest Parties in anticipation of litigation, in response to litigation and/or in the course of an ongoing common interest. These communications were made in furtherance of our common interest and our joint legal defense strategy. I kept the communications confidential and understood that the other Common Interest Parties were doing the same.

7. I have not consented to disclosure of any confidential common interest/joint defense communications between or among the Common Interest Parties and/or any of our respective counsel.

8. I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
July 14, 2020

s/ Orly Genger  
Orly Genger